

REMARKS

I. Introduction

Applicants have amended the drawings to correct an inadvertent typographical error.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

II. The Rejection of Claims Under 35 U.S.C. § 103(a)

Claims 8, 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Beaumont (Conference Article presented on July 1999). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants respectfully submit that the pending application, entitled to a filing date of October 20, 2000, precedes the effective filing date of U.S. Pub. No. 2002/015952 A1 to Beaumont. Accordingly, the Beaumont reference does not qualify as prior art relative to the subject application.

U.S. Pub. No. 2002/015952 A1 to Beaumont, published October 24, 2002, has a U.S. filing date of September 21, 2001. The earliest date under which Beaumont could be considered prior art under 35 U.S.C. § 103(a) is September 21, 2001. Because the present application has a filing date of October 20, 2000 and a priority date of October 21, 1999, Beaumont is not prior art to the instant application.

The only *bona fide* prior art reference cited by the Examiner, the conference article titled "A two-step method for epitaxial lateral overgrowth of GaN," does not disclose or suggest the claimed subject matter nor does it provide support for the subject matter set forth in the pending rejection.

Specifically, the Examiner asserts that the conference article discloses “GaN triangular stripes as seeds by selective epitaxy at low temperature by OMVPE (low pressure technique) and then increasing the temperature by HVPE (high pressure technique) to form continuous layer through coalescence to reduce the defect density.” However, Applicants respectfully submit that the foregoing disclosure is not supported by the conference article in the manner set forth in the pending rejection. The abstract of the conference article merely discloses a first step for obtaining GaN stripes with a triangular cross section and a second step for using the GaN stripes as seeds for epitaxial lateral overgrowth. The conference article to Beaumont does not expressly disclose forming plural seed crystals on a substrate, selectively growing a first nitride semiconductor layer from said plural seed crystals under a first growth ambient pressure, and growing a second nitride semiconductor layer. Therefore, at a minimum, the conference article to Beaumont does not disclose these elements of the pending claims.

Thus, as each and every limitation must be either disclosed or suggested by the cited prior art in order to establish a prima facie case of obviousness (see, **M.P.E.P. § 2143.03**), and the combination of Beaumont and Nakamura fails to do so, it is respectfully submitted that claim 1 is patentably distinct over the cited prior art.

For at least the foregoing reasons, Applicants respectfully submit that the pending rejections must be withdrawn.

III. All Dependent Claims Are Allowable Because The Independent claim From Which They Depend Is Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*,

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819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 8 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable.

IV. Request For Notice Of Allowance

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Michael E. Fogarty
Registration No. 36,139

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 MEF:AHC/jrj
Facsimile: (202) 756-8087
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